

AUTHORIZE THE CHAIRMAN TO WRITE A LETTER TO
FORTIS FACILITY MAINTENANCE GROUP, INC.,
TERMINATING THE CONTRACT WITH THE REQUIRED 30
DAYS NOTIFICATION; AND

2) AWARD THE BID TO THE NEXT LOWEST BIDDER,
SERVICE MASTER ACTION CLEANING IN THE AMOUNT OF
\$270.00 PER MONTH FOR THE REMAINING TERM OF THE
BID WHICH IS EFFECTIVE UNTIL JANUARY 2, 2013.

Ayes:	3	Commissioners:	Frank Burt, Jr., David E. Bishop, Charles F. Gruber
No:	0	Commissioners:	(None)
Abstain:	1	Commissioners:	Wayne A. Gruenloh
Absent:	0	Commissioners:	(None)

MOTION PASSED.

(ECI REPLACEMENT) - TEAM GREEN PROGRESS UPDATE

Jim Ransom, Solid Waste Director, appeared before the Commission and said the replacement item presented to the Commission contains a letter from the Attorney for Team Green, Mr. Don McGriff. It states why Mr. McGriff no longer feels that Team Green is in default.

Commissioner Burt said there were three items in the Notice of Default that had to be reasonably cured by October 18, 2010. Commissioner Burt asked if all three items have been taken care of? If they have, he does not understand why this is being extended? If they have not been cured, the last action stated that the Notice of Default would immediately be in effect. Now the request is to extend it for another five months. Is there a reason why this is not reasonably cured?

Mr. Ransom said as of right now, there is no construction going on at the Landfill. Plans have been submitted, but the building inspection permit has not been granted as of yet. Mr. Ransom said insurance has been cured, and the litigation matters has also been cured, but staff is trying to extend this out for the remainder of the contract which is eighteen months or until April 18, 2011. Team Green has cured the matters, but not to the extent that whether or not it has been cured all the way, is a matter of interpretation.

Commissioner Burt asked Mr. Ransom if the issues have been reasonably cured? Are the plans attached to the item? They did not seem like plans and Commissioner Burt only wants to know what, if any, issue has not been reasonably cured?

Mr. Ransom read from the June 20, 2010 letter sent to Team Green, the three items that listed the reasons for default. Mr. Ransom said he thinks that Item 2, Failure to Provide and Maintain Insurance and Item 3, Threatened Litigation have both been reasonably cured. Mr. Ransom said some of Item 1, Failure to Begin Construction, and the four sub items were

addressed by Mr. McGriff. The letter from Mr. McGriff was received around October 14, 2010. Work also began on October 14, 2010 and signage was scheduled to be placed on the premises today. Drawings were submitted and permits were received. Team Green has been on sight, but no flags or drillings have taken place at this time. Mr. Ransom said the plans were not attached to the Agenda Item.

County Administrator Thompson clarified there is a set of blueprints that in the packet.

Mr. Ransom said a more detailed version of the plans can be provided to the Commission if needed. This is an issue of saving landfill space, help with recycling, and create jobs. They are working toward construction. Mr. Ransom said he does not know what the definition of diligently pursuing construction means, but he knows Team Green is working hard towards this.

Commissioner Burt asked if there is a copy of a contract with Volkert Engineers? Has anyone been employed or contracted to design or build a building, in which Mr. Ransom replied he has not seen those documents.

Commissioner Burt said if those things were in place; it would be reasonably cured.

Commissioner Gruenloh said there are a number of things that are puzzling. One thing was the April 2011 date. Commissioner Gruenloh does not remember a discussion on this date. He thought by now things would be in motion to show that they were diligently pursuing the construction of the facility. Commissioner Gruenloh said the Commission has nothing showing that any construction will be going on. He also questioned when the signage would actually be placed at the site? Have applications been made for any permits? If a contract is in place, he has not seen it. Commissioner Gruenloh said he has a problem giving an extension when he does not see anything showing that anything is happening.

Mr. Ransom said pictures were taken yesterday and he has a copy of the Tanner and Associates contract. Mr. Ransom will make copies for the Commission.

Commissioner Bishop said the agreement in the packet is in the past. There is nothing in place for the future. Mr. Ransom said they are working hard and timing is an issue. They are working on the financing and Mr. Robert Ingram is helping them.

Mr. Don McGriff appeared before the Commission and explained what Team Green has done so far. Tanner and Associates are on the site and the extension of six months is simply to ensure that the work is completed. Team Green has started construction and is diligent to get this done. He believes that the work will be finished before the six months is up. He didn't think the Commission would question whether this has been diligently pursued. Team Green has come a long way and is qualified to do the job. The extension does not offer more time to default, but rather it is the time listed in the contract.

Commissioner Burt said the Commission believed that something would be going on. Why not just give an extension of one month or 60 days?

County Administrator Thompson said the June 20th letter had three points. It sounds as if 1a and 1d are cured and Items 2 and 3 are also cured. The Commission has heard why 1b and 1c are taking a while to complete. County Administrator Thompson asked Mr. Barnett if he was saying the defaults were reasonably cured, in which Mr. Barnett replied that is correct.

Mr. Barnett said if the Commission determines the defaults have been reasonably cured, the motion should be as he stated earlier.

MOTION BY COMMISSIONER WAYNE A. GRUENLOH, SECONDED BY COMMISSIONER DAVID E. BISHOP TO RECOGNIZE THAT THE DEFAULTS THAT HAVE BEEN NOTED, HAVE BEEN REASONABLY CURED OR ARE IN THE PROCESS OF CONTINUING TO BE REASONABLY CURED; TO BE IN FULL ACCORDANCE WITH THE SEPTEMBER 7, 2010 LETTER AND ALL DATES AND TERMS OF THE AGREEMENT ARE STILL IN EFFECT. FURTHER THAT TEAM GREEN IS TO KEEP STAFF AND THE COMMISSION FULLY APPRISED AS TO THE WORK THEY ARE DOING WITH PERMITS, BLUE PRINTS, DRAWINGS, AND SOIL BORINGS, IN ORDER TO MAKE SURE THINGS ARE MOVING TOWARDS COMPLETION OF THE BUILDING BY THE SCHEDULED DATE OF APRIL 18, 2011.

Ayes:	4	Commissioners:	Frank Burt, Jr., David E. Bishop, Wayne A. Gruenloh, Charles F. Gruber
No:	0	Commissioners:	(None)
Abstain:	0	Commissioners:	(None)
Absent:	0	Commissioners:	(None)

MOTION PASSED.

(EG1) - TOWN OF PERDIDO BEACH - PLANNING ASSISTANCE

An attachment was added to Agenda Item EG1 in the Agenda Package.

The Town of Perdido Beach, through Mayor Parker, has requested the services of the County to assist in the administration of their Land Use Ordinances. Staff is requesting authorization from the County Commission to work with the Town in structuring an agreement/contract for the administration of their ordinances. The Town is currently holding hearings on these ordinances and according to the Mayor hope to adopt them sometime in January. Staff would like to have an agreement in place on the effective date of the Town's adoption of their ordinance to avoid a gap in services. The town has had a limited moratorium in place for approximately 1 year and staff anticipates activity after the lifting of the moratorium. The "administration" of their ordinance could range from permit review to rezoning processing depending on the desires of the Town and the County Commission."

MOTION BY COMMISSIONER DAVID E. BISHOP, SECONDED BY COMMISSIONER FRANK BURT, JR. TO AUTHORIZE COUNTY STAFF TO WORK WITH THE TOWN OF PERDIDO BEACH TO PREPARE AN AGREEMENT FOR THE ADMINISTRATION OF THE TOWN'S LAND USE ORDINANCES.